

Appl No 09/744,820  
Amdt. dated October 28, 2003  
Reply to Office Action of July 28, 2003

REMARKS/ARGUMENTS

The Examiner has rejected claim 29 under 35 U.S.C. 102(b) as being anticipated by *Ogden et al.* Claim 29 has been amended. In particular, the preamble of claim 29 has been amended so that claim 29 is directed towards the battery pole connection cable.

In addition, element (a) of claim 29 has been amended such that the stranded cable is formed from a plurality of fine wires, wherein the stranded cable is at least partially insulated. Element (b) has been amended so that the contact piece is a predefined end to the battery pole connecting cable

Thus, the Applicant believes that claim 29, as amended, is substantially different than the reference to *Ogden et al.* For example, *Ogden* shows an uninsulated cable 10 with individual fibers 15. Both end areas of uninsulated cable 10 are solidified by welding at high temperatures such as 1100 to 2000°F to form end portions 20 and 30. *Ogden* teaches that this uninsulated cable 10 can be connected with solidified ends 20 and 30 to an apparatus to provide a battery pole connection. This may be accomplished without adding an additional piece, such as a ferrule, or without needing to crimp the braided cable. In

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addition, the solidified portion may also be attached to the apparatus by ultrasonically welding the end portion 20 and 30 to the apparatus. However, Ogden does not show an insulated cable as described in claim 29 as amended. In addition, Ogden does not disclose a battery cable welded on a contact piece.

The Examiner also states that the whole arrangement of Ogden is a battery pole connection. Claim 29, as amended, is associated only with a mere cable. The cable in this meaning of claim 29 is an element which can be connected to different things, such as an apparatus or a battery pole. The battery pole connection, as shown by Ogden, is locally defined and irreversibly attached. The battery pole cable, as claimed in claim 29, can be attached to other items independent of any particular apparatus. Thus, the applicant believes claim 29 is patentable because cable 10, as shown by Ogden, does not comprise an additional contact piece to connect the cable to a battery pole. This additional contact piece is shown by element b of claim 29.

The Examiner has rejected claims 23, 24 and 28 under 35 U.S.C. 103(a) as being unpatentable over Ogden, in view of Budnick. The Applicant believes that neither Ogden nor Budnick show an insulated stranded cable formed from a plurality of fine

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wires which are welded onto a contact piece. The Applicant believes that claims 20, 23-24 and 28-29 differ from the combination of Ogden and Budnick in that soldering and welding cannot be interpreted as an identical methods to connect two components. In solder connections, the two or both components are not molten. Rather, the melting temperature of the solder lies far under the melting temperature of the material of the components. Thus, when soldering of two parts, the danger of damaging the insulating material is very low. However, in welding these connections, the material of both of these components is molten, so that the melting temperatures of both these materials needs to be exceeded so that they are welded together. Traditionally these melting temperatures were enough to destroy the insulating material. Thus, the material of an insulator is always affected by the melting procedure.

Therefore, the Applicant believes that it is not obvious to switch from soldering to welding. Thus, a person would positively refrain from welding because of the expectable damage to the insulation associated therewith. Previously, the ideas of welding a cable onto a contact piece was not used simply because it is assumed that this process would involve melting of the insulated material. However, with the present invention, it is now possible

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to weld a thick insulated battery connecting cable to a contact piece in such a short period of time that the heat which you need to connect the two components does not destroy the insulating material. In addition, Ogden gives no suggestion to weld an insulated cable to a contact piece. Because there is no suggestion either in Ogden or Budnick for the combination of either of these two inventions and also there is no suggestion that welding be substituted for soldering, the Applicant believes claims 20, 23-24 and 28-29 are patentable over the above cited references.

In addition, the Applicant directs the Examiner to *In re Fine* 837 F.2d 1596, 1598-99 (Fed Cir. 1988), wherein the court stated: "Before the PTO may combine the disclosures of two or more prior art references in order to establish prima facie obviousness, there must be some suggestion for doing so..." Therefore, the Applicant believes that since there is no suggestion for combining Ogden and Budnick, claims 20, 23-24 and 28-29 should be allowed over the above cited references.

In summary, claims 20, 23-24 and 28-29 remain in the application. Claim 29 has been amended. No new matter has been

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added. Accordingly, the Applicant respectfully request early allowance of the remaining claims.

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I hereby certify that this correspondence is being faxed to Examiner  
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